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Attorneys for Defendant
DELIA FABRO-MISKE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELIA FABRO-MISKE (12),
Defendant.

Cr. No. 1-19-CR-00099 DJK-KJM

DELIA FABRO-MISKE'S MOTION
IN LIMINE NO. 14 RE:
EXCLUSION OF EVIDENCE NOT
TIMELY PRODUCED

Delia Fabro-Miske, by her counsel, Marcia A. Morrissey and Donovan A. Odo, files this motion in limine asking the Court issue an order excluding any evidence that the government failed to timely produce to the defense, absent a

showing that the government did not know about and come into possession of such evidence prior to the date the Court has set for disclosure of the evidence.¹

Ms. Fabro-Miske also requests that the Court order the government to provide her with written notice of its intention to use any discoverable evidence in its case-in-chief, pursuant to Federal Rule of Criminal Procedure 12(b)(4), no later than December 1, 2023.

Dated: November 13, 2023

Respectfully submitted,

/s/ Marcia A. Morrissey
MARCIA A. MORRISSEY

/s/ Donovan A. Odo
DONOVAN A. ODO

Attorneys for Defendant
DELIA FABRO-MISKE

¹ Ms. Fabro-Miske requests that this motion be deemed as a continuing objection for trial purposes if denied. *See Palmerin v. City of Riverside*, 794 F. 2d 1409, 1413-14 (9th Cir. 1986) (announcing the rule in this Circuit that definitive pretrial rulings on thoroughly explored evidentiary issues need not be re-raised at trial in order to be preserved for appeal); *United States v. Wells*, 879 F. 3d 900, 933 (9th Cir. 2018) (citing *Palmerin*, 749 F. 2d at 1413-14, and deeming pretrial objections to other acts evidence preserved for appeal).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served through CM/ECF on the following on November 13, 2023:

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DATED: November 13, 2023.

/s/ Marcia A. Morrissey

Marcia A. Morrissey

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Delia Fabro-Miske